

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRUTYN, N.V.,

Plaintiff,

v.

Case No. 04-C-0527

ANTHONY GAGLIANO CO. INC.,
ANTHONY ("Tony") GAGLIANO,
RICHARD J. KOLLAUF, and MICHAEL GAGLIANO,,

Defendants.

ORDER RE: PLAINTIFF'S RENEWED MOTION TO COMPEL PRODUCTION OF DOCUMENTS

This matter having come before the court on the Motion to Compel Production of Documents filed by all defendants on July 10, 2006, which seeks an order compelling production of the documents requested in Defendants' First Request for Production; and on the plaintiff's cross-motion seeking production of the documents requested pursuant to plaintiff's Renewed Motion to Compel Production filed by letter request on July 28, 2006, in accordance with the court's Decision and Order re: Defendants' Motion for Summary Judgment entered on November 29, 2005; and, the court having considered the parties' briefs as well as having entertained argument by counsel for both sides at the in-person hearing held on August 25, 2006, it is,

NOW THEREFORE ORDERED that the plaintiff's Renewed Motion to Compel Production will be **GRANTED IN PART** and **DENIED IN PART** as follows:

ORDERED, that plaintiff's request shall be **GRANTED** and that within 30 days of this order, defendants shall produce all communications and documents not previously produced in this

case related to the transactions between plaintiff and defendants during the period October 2002 through the last transaction in October 2003, including detailed accounting information as to the sale and other disposition of plaintiffs products showing dates, customer name, quantity sold or wasted and prices as well as all costs and other charges deducted from those sales to arrive at defendants' net profit on each transaction, in accordance with Plaintiff's renewed document Request No. 5.

ORDERED, that plaintiff's document Requests Nos. 12-14 are **DENIED AS MOOT**.

ORDERED, that plaintiff's request shall be **GRANTED** and that within 30 days of this order, defendants shall produce all documents and communications that support defendants' contention that defendants are entitled credits or other invoice adjustments that would invalidate plaintiff's claims that there are unpaid balances due on its invoices in accordance with plaintiff's renewed document Request No. 15; or, alternatively, defendants shall affirm in writing that they are not in possession or control of any documents responsive to Plaintiff's Request No. 15.

ORDERED, that plaintiff's document Request No. 28 is **DENIED AS MOOT**.

ORDERED, that plaintiff's request shall be **GRANTED** and that within 30 days of this order, defendants shall produce redacted telephone records showing telephone and fax communications between the defendants and plaintiff during the period July 1, 2003, through October 2003 in accordance with plaintiff's renewed Request No. 29.

SO ORDERED this 5th day of September 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge